



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

छठी मंजिल, 'बी' विंग, लोक नायक भवन
खान मार्केट, नई दिल्ली-110003

6th Floor, 'B' Wing, Lok Nayak Bhawan
Khan Market, New Delhi - 110 003

Dated 08/01/2013

File No.- Policy/06/Devp/2012/RU-I

To

The Secretary
Ministry of Tribal Affairs
(Kind attention Dr. Namita Priyadarshie, Director)
Shastri Bhawan,
New Delhi-110001.

Sub: Regarding clarifications of the synonymous/phonetic similarity in names of Dhanak, Dhanuk (S.No.20), Dhankia (S.No.21) as Scheduled Castes and Dhanaka, Tadvi, Tetaria, Valvi (S.No.4) as Scheduled Tribes group of Rajasthan.

Sir,

I am directed to refer to Dr. Namita Priyadarshie, Director D.O. No.12026/4/2009-C&LM-I dated 18/09/2012 regarding clarification sought by the Chief Secretary, Government of Rajasthan, Jaipur on the synonymous/phonetic similarity in the name of 'Dhanak', 'Dhanuk', 'Dhankia' as Scheduled Castes and 'Dhanka', 'Tadvi', 'Tetaria', 'Valvi' as Scheduled Tribes groups of Rajasthan and to say that the subject matter was discussed as Agenda Item No. V in the 41st meeting of the Commission held on 04/01/2013.

2. Relevant Extracts from the Summary Record of the meeting of the Commission are enclosed for information and further necessary action. It is requested that information about action taken on the views and observations of National Commission for Scheduled Tribes on the subject matter, and the nature and the manner in which those views have been incorporated, may be forwarded to this Commission urgently for including the same in the Annual Report of the Commission.

Yours faithfully,

(M.S. Chopra)
Director

Copy for information to:-

1. SSA (NIC) for uploading on the Website of NCST
2. Assistant Director (Coordination)

(M.S. Chopra)
Director

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Subject: Summary record of the 41st meeting of the Commission held at 12:00 Hrs. on 04-01-2013

The 41st meeting of the Commission was held at 12:00 Hrs. on 04-01-2013 in the Conference Room of the Commission in Loknaya Bhawan, New Delhi. The meeting was presided over by Dr. Rameshwar Oraon, Hon'ble Chairperson, NCST. List of the participants is enclosed at Annexure. There were seven Agenda Items for discussion in the meeting. All the Agenda items were discussed in the meeting.

2. The decisions taken and the action points that emerged out of the discussions held in the meeting are given below:

XXX

XXX

XXX

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Agenda Item V	Clarification on the Synonymous/Phonetic similarity in names of 'Dhanak, Dhanuk"/Dhanakia(S.No.21) as Scheduled Castes; and "Dhanaka, Tadvi, Tetaria, Valvi"/(entry S. No..4) as STs in the State of Rajasthan
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15. Ministry of Tribal Affairs have sought comments of NCST with reference to the Chief Secretary, Govt. of Rajasthan D.O. letter No. 12026/4/2009-C&LM-1 dated 2222/10/2012 seeking clarification on the synonymous/phonetic similarity in names of 'Dhanak, Dhanuk"/Dhanakia (S.No.21) as Scheduled Castes; and "Dhanaka, Tadvi, Tetaria, Valvi"/(entry S. No..4) as Scheduled Tribes in the State of Rajasthan.

16. The Commission observed that as per the SC and ST list (Modification) Order, 1956 notified on 29/10/1956, the Dhankas including Tadvi, Tetaria and Valvi belonging to Abu Road Taluka of Sirohi District were notified as STs. Later on, the area restriction was removed by the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976. For many years thereafter, persons

belonging to Dhanka community could obtain ST certificates all over the State. It however, resulted issuance of ST 'Dhanka' certificates to the people of 'Dhanak' community, which is actually specified as Scheduled Caste in respect of the Rajasthan State. Consequently, the MTA had issued a clarificatory letter dated 13/07/2010 clearly defining the genuine Dhanka STs for which certificates should have been issued. As a result, all the Dhankas were unable to obtain ST certificates in other places of Rajasthan. A Writ Petition No. 8623/2010 has also been filed before the Hon'ble High Court of Rajasthan, Jodhpur, challenging the contents of the MTA letter dated 13/07/2010. Later on the State Government of Rajasthan vide letter No. F11(89)IIR&P/SJ&ED/2012/59404 dated 16/08/2012 had requested the Ministry of Tribal Affairs to withdraw the administrative letter dated 13/07/2010 to enable the unhindered operation, in letter and spirit of the Amendment Act 1976.

17. The Commission noted with concern that the Regional Office, NSCT, Jaipur had made the reference directly to the MTA vide letter dated 20/07/2009 without routing through the NCST Hqrs. Thus the views/ comments contained therein should not be viewed as views of the Commission. The subject matter does not fall within the purview of inclusion/ exclusion of any ST community for which prescribed modalities require consultation with the NCST. The subject matter is also stated to be sub-judice. The Commission further observed that dealing with the List of Scheduled Tribes, including establishment of a system to ensure issue of ST certificate to genuine STs is a matter concerning Ministry of Tribal Affairs and the matter should be examined by the MTA accordingly.